



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

December 1, 2017

In Reply Refer to:

EPA File No. 06D-16-R4

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

Re: Rejection/Closure of Administrative Complaint

Dear

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

On November 30, 2015, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint alleging that Athens-Clarke County (ACC), Georgia discriminated against you based on your protected status as an individual with a disability. In your complaint you alleged that ACC discriminated against you for the following reasons: (1) ACC supplied your home with unsafe and discolored water, which had an adverse impact on you and your daughter's health due to your respective disabilities, and (2) (a) ACC failed to respond to and provide reasonable accommodations to you and (b) did not have a reasonable accommodation process. After careful review, ECRCO has concluded that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Accordingly, ECRCO is closing this case as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15. In addition to the above factors, ECRCO will also consider whether a complaint

allegation (including any additional information provided by the Complainant) provides information sufficiently grounded in fact. Where a complaint allegation is not sufficiently grounded in fact, ECRCO may conclude that an investigation is unjustified, and may reject a complaint on this basis.

Your original correspondence did not contain sufficient information to establish EPA's jurisdiction for Allegation One. Accordingly, ECRCO contacted you in a request for clarification email dated December 12, 2016, requesting clarification about your complaint. We asked you to provide more information on the alleged discrimination that occurred due to your disability, and how the alleged discrimination impacted you and your daughter as it relates to your disabilities. As you are aware, and per your request, on January 25, 2017, ECRCO granted you a 30-day extension to respond and provide additional information. After you failed to respond within the extended 30-day deadline, ECRCO followed up with you via email on March 8, 2017. In that email, ECRCO granted you a final deadline of March 23, 2017, after which ECRCO indicated that it may determine that closure of this case is appropriate.

ECRCO did not receive a response to this request. As you failed to provide the requested information and there is insufficient information in the record to evaluate whether ACC's alleged acts, if true, may violate the EPA's nondiscrimination regulation, or whether you filed your complaint within 180 days of an alleged discriminatory act, ECRCO must reject Allegation 1, effective as of the date of this letter.

In addition, ECRCO staff is aware that you were working with Pamela Riley of EPA in Region 4 to test and resolve the discolored water issue. Regional EPA staff conducted water quality testing and found no concerns and communicated these results to you. The water quality sampling reviewed adjacent properties and utility intake with no water quality issues being documented.

Regarding Allegation 2 (a), your original correspondence did not contain sufficient information to establish EPA's jurisdiction. Additional information was requested, as described above, and never received. To evaluate your allegations, additional information was requested, but not received from you. As you failed to provide the requested information and there is insufficient information in the record to evaluate jurisdiction, ECRCO must reject Allegation 2 (a) effective as of the date of this letter.

Allegation 2 (b) alleges that the AAC did not have a method to process reasonable accommodation requests. Although you identified the AAC as not having a process, you describe in your emails four different instances where your requests were denied by AAC. Although you may not have agreed with the outcome, the evidence you provided indicates that the AAC did have a process for reviewing your requests. Further, you did not provide clarification as requested by ECRCO.

In evaluating your description of the alleged discriminatory act contained in your original complaint as well as subsequent correspondence, without the further clarification ECRCO requested, ECRCO has determined that it cannot accept Allegation 2 (b) for investigation as the allegation is conclusory and not sufficiently grounded in fact. Specifically, the facts you have

presented remain unclear regarding what exactly you are alleging is the discriminatory act resulting in discrimination on the basis of disability, and who is allegedly responsible for that act.

As previously addressed, the allegations in your complaint are not appropriate for investigation and ECRCO is closing this complaint as of the date of this letter. If you have any questions about this correspondence, please contact Zahra Khan, Case Manager, at (202) 564-0460, by e-mail at khan.zahra@epa.gov or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

Kenneth Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official
US EPA Region 4